

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) Case No. 08-00026-03/04-CR-W-FJG
)
TROY R. SOLOMON and)
CHRISTOPHER L. ELDER,)
Defendants.)

ORDER

Pending before the Court are (1) Defendant Solomon's Motion for Judgment of Acquittal Pursuant to Rule 29, or in the Alternative, Motion for New Trial Pursuant to Rule 33 (Doc. No. 365) and (2) Defendant Elder's Motion for Judgment of Acquittal Pursuant to Rule 29, or in the Alternative, Motion for New trial Pursuant to Rule 33 (Doc. No. 369). Defendant Solomon argues that (1) the evidence is legally insufficient as a matter of law to support any counts of conviction; (2) the jury convicted the defendant on the unsupported theory of willful blindness or deliberate indifference; and (3) the jury contained an objectionable juror due to a clerical error made on the peremptory strikes. Defendant Elder joins in the arguments made in Defendant Solomon's motion, and further asserts that (1) the government failed to prove that the drugs were dispensed other than for a legitimate medical purpose and not in the usual course of professional practice; (2) the Court erred by failing to sua sponte give a good faith instruction as to defendant Elder, even though defendant proposed no good faith instruction; and (3) defendant Elder's case should have been severed from that against the co-defendant.

After reviewing the parties' motions, the government's response, defendant Elder's reply, and the record in this matter, the Court finds that defendants' motions (Doc. Nos. 365

and 369) should be **DENIED** for the reasons given in the government's response (Doc. No. 382).

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.

Chief United States District Judge

Dated: 11/01/10
Kansas City, Missouri